

AMENDED IN ASSEMBLY AUGUST 22, 2006

AMENDED IN ASSEMBLY AUGUST 7, 2006

AMENDED IN SENATE APRIL 27, 2006

SENATE BILL

No. 1270

**Introduced by Senator Chesbro
(Principal coauthor: Senator Alquist)
(Coauthor: Senator Romero)**

February 9, 2006

An act to amend Sections ~~4646.5 and 4677~~ *4677 and 4688* of, and to add Sections 4639.75 and 4678 to, the Welfare and Institutions Code, relating to developmental disabilities.

LEGISLATIVE COUNSEL'S DIGEST

SB 1270, as amended, Chesbro. Developmental services: service methods.

Existing law establishes the State Department of Developmental Services and sets forth its duties and responsibilities, including, but not limited to, administration and oversight of the state developmental centers and programs relating to persons with developmental disabilities.

This bill would require the department to provide to regional centers, and make available on the Internet, specified information related to employment options for persons with developmental disabilities. This bill would also require the department, in consultation with regional centers, to assess the need and develop a plan for the training of regional center staff on employment issues faced by persons with a developmental disability.

Existing law requires the development of an individual program plan for an individual with developmental disabilities eligible for regional center services.

This bill would require a regional center, as a part of this plan, to provide information relevant to individuals with developmental disabilities in making informed choices about employment.

Existing law provides for the Developmental Disabilities Program Development Fund to provide resources needed to initiate new programs that are consistent with approved priorities for program development in the state plan.

This bill would instead provide that the fund shall provide resources needed to initiate new programs and to expand or convert existing programs, and would specify that all program development funds shall promote services and supports that increase opportunities for self-determination and independence of persons with developmental disabilities, as specified.

This bill would also require the State Council on Developmental Disabilities, with the support of the department, to convene a workgroup, as specified, that will develop alternative and expanded options for nonresidential services and supports for persons with developmental disabilities. The bill would require the workgroup to develop and submit their recommendation to the Governor and appropriate committees of the Legislature ~~on an annual basis commencing~~ by May 1, 2007, and incorporated into the state plan, thereafter.

Existing law makes regional centers responsible for expanding opportunities for consumers through activities, including, but not limited to, providing technical assistance to and coordinating with, community support facilitators.

This bill would also include providing services of information relevant to making choices about employment options.

This bill would incorporate additional changes in Section 4677 of the Welfare and Institutions Code, proposed by SB 1283 to be operative only if SB 1283 and this bill are both chaptered and become operative effective January 1, 2007, and this bill is chaptered last.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. The Legislature finds and declares all of the
2 following:

3 (a) It is the intent of the Lanterman Developmental Disabilities
4 Services Act, Division 4.5 (commencing with Section 4500) of
5 the Welfare and Institutions Code, to provide persons with
6 developmental disabilities the services and supports they require
7 to “approximate the pattern of everyday living available to
8 persons without disabilities of the same age.”

9 (b) The Lanterman Developmental Disabilities Services Act
10 confers upon persons with developmental disabilities “a right to
11 social interaction and participation in community activities” and
12 “a right to make choices in their own lives, including, but not
13 limited to, where and with whom they live, their relationships
14 with people in their community, the way they spend their time,
15 including education, employment, and leisure, the pursuit of their
16 personal future, and program planning and implementation.”

17 (c) The majority of adult regional center consumers participate
18 in traditionally structured habilitation, work activity, and
19 supported work programs.

20 (d) Traditionally structured habilitation, work activity, and
21 supported work programs may not provide the flexibility,
22 community integration, and activities or training that meet the
23 needs of some persons with developmental disabilities.

24 SEC. 2. It is, therefore, the intent of the Legislature to
25 improve options and choices of persons with developmental
26 disabilities in determining their daily activities, and, through the
27 State Council on Developmental Disabilities and the State
28 Department of Developmental Services, in consultation with
29 regional centers, area boards, and other system stakeholders, to
30 explore mechanisms for developing and expanding the methods
31 of providing the services and supports identified in this act.

32 SEC. 3. Section 4639.75 is added to the Welfare and
33 Institutions Code, to read:

34 4639.75. (a) On an ongoing basis, and as necessary, the State
35 Department of Developmental Services shall provide to regional
36 centers, and make available on the Internet, up-to-date
37 information about work incentive programs for persons with
38 developmental disabilities and other information relevant to

1 persons with developmental disabilities in making informed
2 choices about employment options. This information may
3 include, but not be limited to, the access and retention of needed
4 benefits, the interactions of earned income, asset building, and
5 other financial changes on benefits, employment resources and
6 protections, taxpayer requirements and responsibilities, training
7 opportunities, and information and services available through
8 other agencies, organizations, or on the Internet.

9 (b) The department, in consultation with regional centers, shall
10 assess the need for, and develop a plan for, training of regional
11 center staff on employment issues facing persons with a
12 developmental disability. *The department shall not be required to*
13 *implement training pursuant to this section if implementation*
14 *cannot be achieved within existing resources, unless additional*
15 *funding for this purpose becomes available.*

16 ~~SEC. 4. Section 4646.5 of the Welfare and Institutions Code~~
17 ~~is amended to read:~~

18 ~~4646.5. (a) The planning process for the individual program~~
19 ~~plan described in Section 4646 shall include all of the following:~~

20 ~~(1) Gathering information and conducting assessments to~~
21 ~~determine the life goals, capabilities and strengths, preferences,~~
22 ~~barriers, and concerns or problems of the person with~~
23 ~~developmental disabilities. For children with developmental~~
24 ~~disabilities, this process should include a review of the strengths,~~
25 ~~preferences, and needs of the child and the family unit as a~~
26 ~~whole. Assessments shall be conducted by qualified individuals~~
27 ~~and performed in natural environments whenever possible.~~
28 ~~Information shall be taken from the consumer, his or her parents~~
29 ~~and other family members, his or her friends, advocates,~~
30 ~~providers of services and supports, and other agencies. The~~
31 ~~assessment process shall reflect awareness of, and sensitivity to,~~
32 ~~the lifestyle and cultural background of the consumer and the~~
33 ~~family.~~

34 ~~(2) A statement of goals, based on the needs, preferences, and~~
35 ~~life choices of the individual with developmental disabilities, and~~
36 ~~a statement of specific, time-limited objectives for implementing~~
37 ~~the person's goals and addressing his or her needs. These~~
38 ~~objectives shall be stated in terms that allow measurement of~~
39 ~~progress or monitoring of service delivery. These goals and~~
40 ~~objectives should maximize opportunities for the consumer to~~

1 ~~develop relationships, be part of community life in the areas of~~
2 ~~community participation, housing, work, school, and leisure,~~
3 ~~increase control over his or her life, acquire increasingly positive~~
4 ~~roles in community life, and develop competencies to help~~
5 ~~accomplish these goals.~~

6 ~~(3) When developing individual program plans for children,~~
7 ~~regional centers shall be guided by the principles, process, and~~
8 ~~services and support parameters set forth in Section 4685.~~

9 ~~(4) A schedule of the type and amount of services and~~
10 ~~supports to be purchased by the regional center or obtained from~~
11 ~~generic agencies or other resources in order to achieve the~~
12 ~~individual program plan goals and objectives, and identification~~
13 ~~of the provider or providers of service responsible for attaining~~
14 ~~each objective, including, but not limited to, vendors, contracted~~
15 ~~providers, generic service agencies, and natural supports. The~~
16 ~~plan shall specify the approximate scheduled start date for~~
17 ~~services and supports and shall contain timelines for actions~~
18 ~~necessary to begin services and supports, including generic~~
19 ~~services.~~

20 ~~(5) When agreed to by the consumer, the parents or legally~~
21 ~~appointed guardian of a minor consumer, or the legally appointed~~
22 ~~conservator of an adult consumer or the authorized~~
23 ~~representative, including those appointed pursuant to subdivision~~
24 ~~(d) of Section 4548 and subdivision (c) of Section 4705, a review~~
25 ~~of the general health status of the adult or child including a~~
26 ~~medical, dental, and mental health needs shall be conducted. This~~
27 ~~review shall include a discussion of current medications, any~~
28 ~~observed side effects, and the date of last review of the~~
29 ~~medication. Service providers shall cooperate with the planning~~
30 ~~team to provide any information necessary to complete the health~~
31 ~~status review. If any concerns are noted during the review,~~
32 ~~referrals shall be made to regional center clinicians or to the~~
33 ~~consumer's physician, as appropriate. Documentation of health~~
34 ~~status and referrals shall be made in the consumer's record by the~~
35 ~~service coordinator.~~

36 ~~(6) A schedule of regular periodic review and reevaluation to~~
37 ~~ascertain that planned services have been provided, that~~
38 ~~objectives have been fulfilled within the times specified, and that~~
39 ~~consumers and families are satisfied with the individual program~~
40 ~~plan and its implementation.~~

~~(7) A regional center shall provide information relevant to individuals in making informed choices about employment options. This information may include, but not be limited to, work incentive programs for persons with developmental disabilities, access and retention of needed benefits, interactions of earned income, asset building, or other financial changes on benefits, employment programs and protections, taxpayer requirements and responsibilities, training opportunities, and information and services available through other agencies, organizations, or on the Internet.~~

~~(b) For all active cases, individual program plans shall be reviewed and modified by the planning team, through the process described in Section 4646, as necessary, in response to the person's achievement or changing needs, and no less often than once every three years. If the consumer or, where appropriate, the consumer's parents, legal guardian, or conservator requests an individual program plan review, the individual program shall be reviewed within 30 days after the request is submitted.~~

~~(c) (1) The department, with the participation of representatives of a statewide consumer organization, the Association of Regional Center Agencies, an organized labor organization representing service coordination staff, and the State Council on Developmental Disabilities shall prepare training material and a standard format and instructions for the preparation of individual program plans, which embodies an approach centered on the person and family.~~

~~(2) Each regional center shall use the training materials and format prepared by the department pursuant to paragraph (1).~~

~~(3) The department shall biennially review a random sample of individual program plans at each regional center to assure that these plans are being developed and modified in compliance with Section 4646 and this section.~~

~~SEC. 5.~~

~~SEC. 4.~~ Section 4677 of the Welfare and Institutions Code is amended to read:

4677. (a) All parental fees collected by or for regional centers shall be remitted to the State Treasury to be deposited in the Developmental Disabilities Program Development Fund, which is hereby created and hereinafter called the Program Development Fund. The purpose of the Program Development

1 Fund shall be to provide resources needed to initiate new
2 programs and to expand or convert existing programs. Within the
3 context of, and consistent with, approved priorities for program
4 development in the state plan, program development funds shall
5 promote integrated residential, work, instructional, social, civic,
6 volunteer, and recreational services and supports that increase
7 opportunities for self-determination and maximum independence
8 of persons with developmental disabilities.

9 In no event shall an allocation from the Program Development
10 Fund be granted for more than 24 months.

11 (b) The State Council on Developmental Disabilities shall, not
12 less than once every three years, request from all regional centers
13 information on the types and amounts of services and supports
14 needed, but currently unavailable. Based on the information
15 provided by the regional centers and other agencies, the State
16 Council on Developmental Disabilities shall develop an
17 assessment of the level of need for new, *expanded, or converted*
18 community services and support, and make that assessment
19 available to the public. This needs assessment shall be included
20 in the state plan. The State Council on Developmental
21 Disabilities, in consultation with the State Department of
22 Developmental Services, shall make a recommendation to the
23 Department of Finance as to the level of funding for program
24 development to be included in the Governor's Budget, based
25 upon this needs assessment.

26 (c) Parental fee schedules shall be evaluated pursuant to
27 Section 4784 and adjusted annually by the department, with the
28 approval of the state council. Fees for out-of-home care shall
29 bear an equitable relationship to the cost of the care and the
30 ability of the family to pay.

31 (d) In addition to parental fees and General Fund
32 appropriations, the Program Development Fund may be
33 augmented by federal funds available to the state for program
34 development purposes, when these funds are allotted to the
35 Program Development Fund in the state plan. The Program
36 Development Fund is hereby appropriated to the department, and
37 subject to any allocations that may be made in the annual Budget
38 Act. In no event shall any of these funds revert to the General
39 Fund.

(e) The department may allocate funds from the Program Development Fund for any legal purpose, provided that requests for proposals and allocations are approved by the state council in consultation with the department, and are consistent with the priorities for program development in the state plan. Allocations from the Program Development Fund shall take into consideration the following factors:

(1) The future fiscal impact of the allocations on other state supported services and supports for persons with developmental disabilities.

(2) The information on priority services and supports needed, but currently unavailable, submitted by the regional centers.

Consistent with the level of need as determined in the state plan, excess parental fees may be used for purposes other than programs specified in subdivision (a) only when specifically appropriated to the State Department of Developmental Services for those purposes.

(f) Under no circumstances shall the deposit of federal moneys into the Program Development Fund be construed as requiring the State Department of Developmental Services to comply with a definition of “developmental disabilities” and “services for persons with developmental disabilities” other than as specified in subdivisions (a) and (b) of Section 4512 for the purposes of determining eligibility for developmental services or for allocating parental fees and state general funds deposited in the Program Development Fund.

SEC. 4.5. Section 4677 of the Welfare and Institutions Code is amended to read:

4677. (a) All parental fees collected by or for regional centers shall be remitted to the State Treasury to be deposited in the Developmental Disabilities Program Development Fund, which is hereby created and hereinafter called the Program Development Fund. The purpose of the Program Development Fund shall be to provide resources needed to initiate new programs, *and to expand or convert existing programs. Within the context of, and* consistent with, approved priorities for program development in the state plan, *program development funds shall promote integrated residential, work, instructional, social, civic, volunteer, and recreational services and supports*

1 *that increase opportunities for self-determination and maximum*
2 *independence of persons with developmental disabilities.*

3 In no event shall an allocation from the Program Development
4 Fund be granted for more than 24 months.

5 (b) (1) The State Council on Developmental Disabilities shall,
6 ~~not less than at least once every three five years, request from all~~
7 ~~regional centers information on the types and amounts of services~~
8 ~~and supports needed, but currently unavailable. Based on the~~
9 ~~information provided by the regional centers and other agencies,~~
10 ~~the State Council on Developmental Disabilities shall develop an~~
11 ~~assessment of the level of need for new community services and~~
12 ~~support, and make that assessment available to the public. This~~
13 ~~needs assessment shall be included in the state plan. The State~~
14 ~~Council on Developmental Disabilities, in consultation with the~~
15 ~~State Department of Developmental Services, shall make a~~
16 ~~recommendation to the Department of Finance as to the level of~~
17 ~~funding for program development to be included in the~~
18 ~~Governor's Budget, based upon this needs assessment.~~

19 (2) *The state council shall work collaboratively with the*
20 *department and the Association of Regional Center Agencies to*
21 *develop standardized forms and protocols that shall be used by*
22 *all regional centers and area boards in collecting and reporting*
23 *this information. In addition to identifying services and supports*
24 *that are needed, but currently unavailable, the forms and*
25 *protocols shall also solicit input and suggestions on alternative*
26 *and innovative service delivery models that would address*
27 *consumer needs.*

28 (3) *In addition to the information provided pursuant to*
29 *paragraph (2), the state council may utilize information from*
30 *other sources, including, but not limited to, public hearings, life*
31 *quality assessments conducted pursuant to Section 4570, the*
32 *annual report regarding persons moving from developmental*
33 *centers produced pursuant to Section 4418.1, the annual report*
34 *regarding community-based vendor services produced pursuant*
35 *to Section 4637.5, regional center reports on alternative service*
36 *delivery submitted to the department pursuant to Section 4669.2,*
37 *and the annual report on self-directed services produced*
38 *pursuant to Section 4685.7.*

39 (4) *The department shall provide additional information, as*
40 *requested by the state council.*

1 (5) *Based on the information provided by the regional centers*
2 *and other agencies, the state council shall develop an assessment*
3 *of the need for new, expanded, or converted community services*
4 *and support, and make that assessment available to the public.*
5 *The assessment shall include a discussion of the type and amount*
6 *of services and supports necessary but currently unavailable*
7 *including the impact on consumers with common characteristics,*
8 *including, but not limited to, disability, specified geographic*
9 *regions, age, and ethnicity, face distinct challenges. The*
10 *assessment shall highlight alternative and innovative service*
11 *delivery models identified through their assessment process.*

12 (6) *This needs assessment shall be conducted at least once*
13 *every five years and updated annually. The assessment shall be*
14 *included in the state plan and shall be provided to the*
15 *department and to the appropriate committees of the Legislature.*
16 *The assessment and annual updates shall be made available to*
17 *the public. The State Council on Developmental Disabilities, in*
18 *consultation with the department, shall make a recommendation*
19 *to the Department of Finance as to the level of funding for*
20 *program development to be included in the Governor's Budget,*
21 *based upon this needs assessment.*

22 (c) Parental fee schedules shall be evaluated pursuant to
23 Section 4784 and adjusted annually by the department, with the
24 approval of the state council. Fees for out-of-home care shall
25 bear an equitable relationship to the cost of the care and the
26 ability of the family to pay.

27 (d) In addition to parental fees and General Fund
28 appropriations, the Program Development Fund may be
29 augmented by federal funds available to the state for program
30 development purposes, when these funds are allotted to the
31 Program Development Fund in the state plan. The Program
32 Development Fund is hereby appropriated to the department, and
33 subject to any allocations ~~which~~ that may be made in the annual
34 Budget Act. In no event shall any of these funds revert to the
35 General Fund.

36 (e) The department may allocate funds from the Program
37 Development Fund for any legal purpose, provided that requests
38 for proposals and allocations are approved by the state council in
39 consultation with the department, and are consistent with the
40 priorities for program development in the state plan. Allocations

from the Program Development Fund shall take into consideration the following factors:

(1) The future fiscal impact of the allocations on other state supported services and supports for persons with developmental disabilities.

(2) The information on priority services and supports needed, but currently unavailable, submitted by the regional centers.

Consistent with the level of need as determined in the state plan, excess parental fees may be used for purposes other than ~~new program development~~ *programs specified in subdivision (a)* only when specifically appropriated to the State Department of Developmental Services for those purposes.

(f) Under no circumstances shall the deposit of federal moneys into the Program Development Fund be construed as requiring the State Department of Developmental Services to comply with a definition of “developmental disabilities” and “services for persons with developmental disabilities” other than as specified in subdivisions (a) and (b) of Section 4512 for the purposes of determining eligibility for developmental services or for allocating parental fees and state general funds deposited in the Program Development Fund.

~~SEC. 6.~~

SEC. 5. Section 4678 is added to the Welfare and Institutions Code, to read:

4678. (a) The State Council on Developmental Disabilities, *in implementing subdivision (b) of Section 4677, and* with the support of the State Department of Developmental Services, shall convene a stakeholder workgroup on alternative and expanded options for nonresidential services and supports. The workgroup shall include persons with developmental disabilities, family members, providers, and other system stakeholders. The workgroup shall develop recommendations on how to best achieve all of the following:

(1) The development and expansion of community-based models that provide an array of nonresidential options, including, but not limited to, participation in integrated instructive, social, civic, volunteer, and recreational activities.

(2) The development and expansion of community-based work activities, including, but not limited to, customized employment

1 development, integrated job training, and employer-provided job
2 coaching.

3 (3) The expansion of work opportunities in the public sector.

4 (4) The increased utilization of existing models, including, but
5 not limited to, self-directed services, vouchers, family teaching
6 models, existing habilitation, and supported work vendors to
7 facilitate access to nontraditional community-based
8 nonresidential activities.

9 (5) Strategies to promote and duplicate successful and
10 innovative models developed in California and in other states.

11 (6) The identification of, and strategies to address, statutory,
12 regulatory, licensing, vendor-related, funding and other types of
13 barriers to achieving the goals identified in this act, including
14 strategies to improve individualization of services and supports
15 by increased flexibility in design, staffing, and compensation.

16 (b) ~~Commencing~~ By May 1, 2007, the State Council on
17 Developmental Disabilities shall submit ~~annual~~ recommendations
18 from the workgroup to the Governor and appropriate committees
19 of the Legislature *and may, thereafter, incorporate subsequent*
20 *recommendations into its state plan developed pursuant to*
21 *Section 4561.*

22 SEC. 6. Section 4688 of the Welfare and Institutions Code is
23 amended to read:

24 4688. (a) Consistent with state and federal law, the
25 Legislature places a high priority on providing opportunities for
26 individuals with developmental disabilities to be integrated into
27 the mainstream life of their natural communities. In order to
28 ensure that opportunities for integration are maximized, the
29 procedure described in subdivision (b) shall be adopted.

30 (b) Regional centers shall be responsible for expanding
31 opportunities for the full and equal participation of persons with
32 developmental disabilities in their local communities through,
33 activities, that may include, but shall not be limited to, the
34 following:

35 (1) Outreach to, and training and education of, representatives
36 of community service agencies and programs, businesses, and
37 community activity providers regarding the provision and
38 expansion of opportunities for participation by regional center
39 consumers.

40 (2) Developing a community resources list.

1 (3) Providing assistance to case managers and family members
2 on expanding community integration options for consumers in
3 the areas of work, recreation, social, community service,
4 education, and public services.

5 (4) Developing and facilitating the use of innovative methods
6 of contracting with community members to provide support in
7 natural environments to regional center consumers.

8 (5) Development and facilitating the use of natural supports to
9 enhance community participation.

10 (6) Providing technical assistance to, and coordinating with,
11 community support facilitators who will be used to provide
12 supports to individual consumers for community participation, as
13 needed.

14 (7) *Providing sources of information relevant to individuals in*
15 *making informed choices about employment options. This*
16 *information may include, but need not be limited to, work*
17 *incentive programs for persons with developmental disabilities,*
18 *access and retention of needed benefits, interactions of earned*
19 *income, asset building, or other financial changes on benefits,*
20 *employment programs and protections, taxpayer requirements*
21 *and responsibilities, training opportunities, and information and*
22 *services available through other agencies, organizations, or on*
23 *the Internet.*

24 SEC. 7. *Section 4.5 of this bill incorporates amendments to*
25 *Section 4677 of the Welfare and Institutions Code proposed by*
26 *both this bill and SB 1283. It shall only become operative if (1)*
27 *both bills are enacted and become effective on or before January*
28 *1, 2007, (2) each bill amends Section 4677 of the Welfare and*
29 *Institutions Code, and (3) this bill is enacted after SB 1283, in*
30 *which case Section 4 of this bill shall not become operative.*